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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Number: 10/073,507

Filing Date: 02/08/2002

First Named Applicant: Davis, Rodney

Title: A SYSTEM FOR PURCHASING, MANAGING,
AND MONITORING SOPHISTICATED OFFICE
EQUIPMENT

Attorney Docket: 2002301

Date: October 5, 2006

RESPONSE TO OFFICE COMMUNICATION AND AMENDMENT

Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This is a timely response to the first office communication dated 07/05/2006 for the application identified above. If any additional fee is required or any fee adjustment is appropriate, I hereby authorize you to charge or credit my deposit account, account #083445, to satisfy any additional fee adjustments.

General Response to the Office Communication

The Applicant, through counsel, has reviewed the Examiner's response. Although the Applicant disagrees with some of the Examiner's conclusions with respect to the § 101 and § 102 rejections, the Applicant is persuaded that the many of the Examiner's concerns would be resolved if the claims were revised to be more specific by more

closely adhering to the terminology used to describe the invention in the Applicant's disclosure. The Applicant herein responds with a set of revised claims that claim substantially the same matter, while avoiding the language the Examiner found objectionable. The method claims have been canceled and the remaining revised claims are system claims primarily directed at the preferred embodiment of the Applicant's invention, as per Fig. 4 of the disclosure. The revised claims address, and hopefully cure, the Examiner's concerns. The revised claims echo Fig. 4 and the related text from the disclosure as originally filed. No new matter is introduced.

A number of the Examiner's comments are directed toward the language in the claims addressing an environment. "having consumers and vendors. " The Examiner believes this is statutorily vague. To the contrary, the Applicant believes it is not vague, but rather intentionally broad because the Applicant does not want to limit the application to traditional business environments given the growing number of ever changing business related environments. Nevertheless, upon reading the Examiner's comments, the Applicant is persuaded that the attempt to explicitly claim the environment is fraught with difficulties, and is not essential to the invention. Thus the Applicant, through counsel, has revised the claims to address the Examiner's concerns and the offending language has been removed from the revised claims.

With respect to the rejections based on the prior art, the Applicant herein shows that the Applicant's invention, as disclosed in the specification and revised claims, is substantially different from the cited art. The cited art teaches a prior art commercial e-commerce system providing an environment where consumers/purchasers can interface with vendors and purchase good and services through an ecommerce system. The

Applicant is claiming more than just an ecommerce system that links consumers with vendors. Unlike the cited art, the Applicant's disclosed and claimed invention teaches a consultant-based system that includes a novel consultant interface in the sales situation (acquisition module in Fig. 4). The consultant interface uses both electronic and human expertise to bridge the gap between consumer needs and vendor's specification.

Another important contribution of the Applicant's claimed invention is the novel system for managing and monitoring sophisticated machines after the sale (management module Fig. 4). While both the acquisition module and the management each have sufficient novelty for independent invention, the combination of combining the acquisition module and the management module of Fig. 4, with the Applicant's contract writer as the glue, results in a particular novel situation in which a consumer describes a need in an informal way, the system turns the informal consumer needs into formal vendor specifications from which Request for Quotations (RFQ's) are drafted using vendor specific terminology as is required.

Once the purchase decision is made, the system produces a contract that not only identifies the required specifications, but also includes contract terms, that can be monitored by the system after the sale. This is important because none of the cited art teaches anything about monitoring equipment after the sale to make sure it performs as required by the contract terms.

The acquisition module is novel primarily because of its ability to translate informal consumer needs into formal vendor specifications, using both automation and a consultant interface, where a human consultant having the requisite expertise can intervene to ensure the resulting vendor specifications are both accurate and meaningful.

The needs analyzer bridges the gap between consumers and vendors and frees the consumer from learning vendor terminology and culture.

The management module is novel primarily because of its ability to monitor the equipment after the sale, not just in a generic way, but to purposely and specifically monitor parameters specified in the contract that reflect the consumer requirements.

As indicated above, the combination of the acquisition module having a very smart contract writer that “knows” measurable performance parameters of the purchased product, and the management module, capable of detecting nonconformance and, optionally, reporting that directly to the vendor, provides a level of product and service not found in the prior art.

The Applicant acknowledges that there is some potential confusion that could be viewed as vagueness because the claims, as filed, used terminology that was inconsistent at times with the disclosed specification. Thus revised claims, rewritten to address the Examiner's concerns are presented, based on the terminology of the original disclosure. The Applicant believes the claims, as revised, fully address the Examiner's basis for rejection, and preserve the essence of the Applicant's claimed invention without introducing new matter.

With regard to the cited prior art, the argument below overcomes the rejections based on prior art by showing the Applicant's claimed invention contains significant limitations not found in the prior art, including the art cited by the Examiner in the Office communication. The Applicant respectfully requests, in light of the amendments and argument provided, that the claims, as amended be allowed.